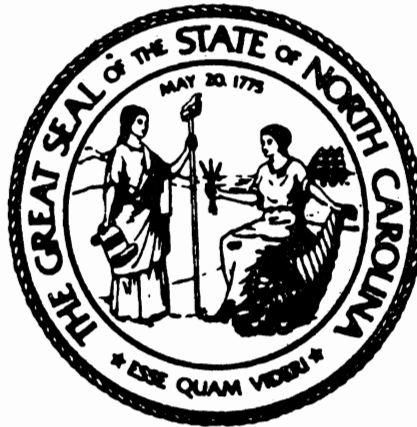


LEGISLATIVE RESEARCH COMMISSION

**REPORT
TO THE**

1979

GENERAL ASSEMBLY OF NORTH CAROLINA



TEMPORARY EMPLOYEES RETIREMENT

RALEIGH, NORTH CAROLINA

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STATE OF NORTH CAROLINA
LEGISLATIVE RESEARCH COMMISSION
STATE LEGISLATIVE BUILDING
RALEIGH 27611



January 9, 1979

TO THE MEMBERS OF THE 1979 GENERAL ASSEMBLY

Transmitted herewith is the report prepared by the Committee on Retirement Coverage for State Temporary Employees of the Legislative Research Commission. The study was conducted pursuant to House Bill 1671 (ratified Chapter 1294) of the 1977 General Assembly (Second Session, 1978), and this report is submitted to the members of the General Assembly for their consideration.

Respectfully submitted,


Carl F. Stewart, Jr.

John T. Henley
Co-Chairmen

LEGISLATIVE RESEARCH COMMISSION

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P R E F A C E

The Legislative Research Commission, authorized by Article 6B of Chapter 120 of the General Statutes, is a general-purpose study group. The Commission is co-chaired by the Speaker of the House and the President Pro Tempore of the Senate and has five additional members appointed from each house of the General Assembly. Among the Commission's duties is that of making or causing to be made, upon the direction of the General Assembly, "such studies of and investigations into governmental agencies and institutions and matters of public policy as will aid the General Assembly in performing its duties in the most efficient and effective manner" (G.S. 120-30.17(6)).

At the direction of the 1977 General Assembly (Second Session, 1978), the Legislative Research Commission has undertaken studies of various matters. The Co-Chairmen of the Legislative Research Commission, under the authority of General Statutes 120-30.10(b) and (c), have appointed committees to conduct the studies, the committees consisting of members of the General Assembly and of the public. Each member of the Legislative Research Commission is responsible for coordinating the activities of two or more committees and serving as liaison between those committees and the Commission. Each committee is co-chaired by one member of the Senate and one member of the House of Representatives.

The study of State Temporary Employees Retirement was directed by House Bill 1671 (ratified Chapter 1294) of the 1977 General Assembly (Second Session, 1978). The Resolution, in directing the Legislative Research Commission to study retirement benefits for State temporary

employees, directed that the Committee investigate the need for such benefits and to include in the study permanent employees previously classified as temporary.

A membership list of the Legislative Research Commission, a membership list of the Committee on State Temporary Employees Retirement, and a copy of House Bill 1671 may be found in Appendix A.

COMMITTEE PROCEEDINGS

The Committee on Temporary Employees Retirement devoted two meetings to the study of retirement coverage for State temporary employees. These meetings stretched over a two months' period in the interim period between the Second Session 1978 of the 1977 General Assembly and the 1979 General Assembly. A list of the witnesses who appeared before the Committee is attached as Appendix B.

The Committee began its study of temporary employees on November 10, 1978 at an organizational meeting at which time the Co-Chairman, Representative Edd Nye, outlined for the Committee the problems with State temporary employees which led to the creation of the Study Committee. Representative Nye stated that it had come to the attention of several legislators that there were State temporary employees who had been temporary for an extended period of time beyond the 12 month limit set by the Office of State Personnel. See Appendix C. Representative Nye also informed the Committee that the General Assembly had previously corrected a problem in the Highway Department in 1975 by appropriating an amount of money to be used to pay the employer's share of the retirement cost for employees who were inadvertently classified as temporary and should have been permanent employees. Representative Nye said that there were other State departments which had the same situation and were interested in this study.

The Committee discussed various types of temporary employees throughout State Government. Representative Liston B. Ramsey noted that employees of the General Assembly were considered temporary employees and were not given any fringe benefits. Representative Ramsey

said he felt that all employees of the State should be treated equally. Representative Nye informed the Committee that there were some employees in the Forestry Division of the Department of Natural Resources and Community Development who had been in temporary jobs for as much as 30 years.

Mr. Harold Webb, Director of State Personnel, and Mr. G.C. Davis of his office, spoke to the Committee concerning State Personnel's regulations dealing with temporary employees. (See Appendix C). Mr. Webb informed the Committee that his office does not have sufficient records from the various State departments to give the Committee a definitive number of temporary employees. Many State departments hire temporary employees on their own and do not go through the Office of State Personnel or report the hiring of such employees. At the conclusion of Mr. Webb's and Mr. Davis' comments, it was suggested that a survey be made of all State departments to determine the number of temporary employees. See Appendix D for a copy of the survey.

Mr. Edwin Barnes, Director of the Teachers' and State Employees' Retirement System, informed the Committee that under G.S. 135-1(10) membership in the Retirement System is limited to those employees of the State of North Carolina who are full-time employees and specifically excludes in that same sub-section "any part-time or temporary employee". Mr. Barnes also discussed several non-State funded employees who by statute are members of the Retirement System, specifically employees of the State Art Society, Inc., the North Carolina Symphony Society, Inc., and the State Employees' Credit Union. Mr. Barnes expressed concern about the problems of record keeping in

a system where there would be a large number of withdrawals and readmissions of temporary employees due to the nature and duration of their employment.

Ms. Spaulding, Personnel Director for the Department of Natural Resources and Community Development, was called upon by the Committee to explain the status of temporary employees in her department.

Ms. Spaulding informed the Committee that when she became Personnel Director she conducted a survey to determine the names, tenure, location and position of all temporary employees. She identified 23 positions in which a temporary employee had worked full time into permanent positions.

The Committee ended its first meeting by discussing the various methods of crediting service as a temporary employee in other states' retirement systems. Approximately 25 states presently give credit to temporary or part-time employees towards retirement on a basis of hourly or monthly credit.

The Committee began its second meeting on November 30, 1978, with a discussion of the survey made of temporary employees in State Government. The information from the various State agencies and departments was not forthcoming and the Staff had received replies to the survey from less than one-half of State Government agencies and departments as of the date of the meeting. The limited response to the survey indicated that there were approximately 1,000 temporary employees working full time in the responding departments.

There was much discussion among Committee members concerning the short time available to the Committee before the beginning of the

1979 session of the General Assembly for further investigation into the status of temporary employees in the departments that had not responded to the Committee's survey. The Committee expressed concern about the apparent lack of information from the various departments and agencies of State Government concerning the employment of temporary personnel.

Due to the period of time left to the Committee for their study and the lack of information forthcoming from State agencies, the Committee decided to recommend the establishment of a "pilot" program for employees of the General Assembly and to recommend to the General Assembly that the study of retirement benefits for temporary employees be extended and that a report be made to the 1981 General Assembly.

The Committee discussed at length the proposed addition of Legislative employees to the Teachers' and State Employees' Retirement System. It was decided that by including these employees in an existing system, it would simplify bookkeeping and place these employees on the same level as all other State employees.

The Committee was concerned about the fact that employees of the General Assembly could not be given sick leave and annual leave during the legislative session since such leave would be disruptive of the Legislature's work. It was decided to recommend to the Legislative Services Office, in lieu of sick leave and annual leave, that two days' pay be added to each employee's salary for each month worked during a Legislative session.

The Committee discussed and decided to propose that Legislative employees be included in health benefits and disability benefits, but

that each individual employee be responsible for the cost of the health insurance during the interim period between legislative sessions.

The Committee voted on a motion made by Senator Hardison to recommend that the employees of the General Assembly be included in the Retirement System for Teachers and State Employees and that Co-Chairman Nye appoint a subcommittee to draft the proposed legislation.

The subcommittee met on December 14, 1978 to formulate the Committee's legislative proposals. The Committee approved a bill to include employees of the General Assembly in the Teachers' and State Employees' Retirement System and a recommendation to give two days' pay for each month of service during the legislative session in lieu of sick and annual leave. The subcommittee also approved a recommendation to the General Assembly that the study of temporary employees' retirement benefits be extended to report to the 1981 session of the General Assembly. The Staff was directed to prepare a draft report to the Legislative Research Commission and to obtain the required actuarial note to be attached to the proposed legislation.

Due to the time requirements for an actuarial note, the Committee requested that such a note be prepared and attached to the legislation prior to its introduction.

FINDINGS

The Legislative Research Commission Committee on Temporary Employees Retirement, after considering the presentations made before it, the information gathered and evaluated concerning the effect of granting retirement benefits to State temporary employees makes the following findings:

1. The State of North Carolina employs a large number of temporary employees through individual departments, agencies, institutions and the Office of State Personnel.

There is not a central location to determine the number, classification, pay scale or service record of these employees due to the present system of hiring by individual departments and agencies. The Committee finds that this information is not readily available for dissemination to the General Assembly and that there has been a history of abuse of the temporary employee classification. The response to a survey by the Committee of State departments was that records were not available for temporary employees showing service records and pay scales.

2. There is a need for a program of benefits for temporary employees but without the proper records or information concerning temporary employees' salary and service records a true picture of the cost to the State cannot be determined.

The Committee examined the legislation enacted in 1975 which allowed employees of the Department of Transportation to purchase prior temporary time retirement credit, which ultimately cost the Highway Fund over 1 million dollars. The need for exact figures of service and salary in order to project the cost of retirement benefits for

temporary employees was felt to be the most important function of any study of such benefits. The Committee finds that given a longer period of time in which to study this subject, records can be made available to the Committee which can give a true cost estimate to the State.

3. The records available to the Committee from the General Assembly provide sufficient information to allow a pilot program of benefits for employees of the General Assembly to be initiated.

This program will allow those employees who have an aggregate of sixty (60) months of employment with the General Assembly to purchase credit for that time upon becoming a member of the Teachers' and State Employees' Retirement System. This method will parallel the present procedures for purchase of prior service by other members of the System. The Committee found that there has been an increased turnover of Legislative employees into other positions within State Government and private industry and that the resulting loss in expertise is having adverse effects on Legislative business. The Committee is of the opinion that an increase in benefits would keep these employees from seeking employment elsewhere.

RECOMMENDATIONS

The Committee on Retirement Benefits for Temporary Employees, after a review of the data collected by the Committee and in light of its findings, makes the following recommendations:

1. The study of retirement benefits for temporary employees should be continued and a report made to the 1981 session of the General Assembly.

The Committee has found that a need exists for benefits for temporary employees and that abuses of the classification procedures have occurred in the past. The Committee spent considerable time investigating the problems associated with the classification of temporary employees and found that record keeping for these employees has not been good. Several State departments have made improvements in this area and have undertaken studies of temporary employees in an attempt to correct previous abuses. The Committee recommends that the study be continued since in the time allotted for the study, the information needed cannot be obtained and a total cost figure for granting retirement benefits to temporary employees can only be derived from the individual employers' records.

2. The employees of the General Assembly should become members of the Teachers' and State Employees' Retirement System.

The Committee found that the records of the General Assembly were available to the Committee with respect to Legislative employees and that as a first step in granting retirement benefits to other than full-time employees, these employees should become members of the Teachers' and State Employees' Retirement System on July 1, 1979. This recom-

mendation is contained in Legislative Proposal I in Appendix E. The Committee recommends that the employees of the General Assembly be given credit for their prior service once they have achieved sixty (60) months of aggregate service with the General Assembly in the same fashion as other State employees who purchase prior service for military duty or out-of-state service. The employees must pay that percentage of his compensation, plus interest, as he would have paid if he had been a member of the Retirement System from his initial employment.

3. The employees of the General Assembly should be given health benefits and other disability benefits provided to other State employees.

The Committee found that in investigating the inclusion of Legislative employees in the Teachers' and State Employees' Retirement System that these employees did not participate in the health insurance salary continuation plan and disability plans for other State employees. The Committee feels that the employees of the General Assembly should be granted these fringe benefits to increase the professional nature of the General Assembly by retaining qualified employees who might otherwise seek employment elsewhere. The Committee recommends that during the interim between Legislative sessions, the employee be required to pay the full cost of the health insurance plan and that should a Legislative employee fail to return to work at the first opportunity, that the employee be dropped from the health insurance program.

4. The Legislative Services Commission should grant, in lieu of sick leave and annual leave, two extra days of pay for each month worked during a session, by Legislative employees.

The Committee found that in order to place Legislative employees on the same footing as other State employees for retirement purposes, a credit should be given for the lack of sick leave and annual leave. The Committee found that payment in lieu of sick and annual leave would not disrupt the daily business of the General Assembly during a Legislative session. The Committee recommends that a special provision to the appropriation for the General Assembly be made to fund these benefits for Legislative employees.

APPENDIX A

LEGISLATIVE RESEARCH COMMISSION

MEMBERSHIP LIST

Speaker Carl J. Stewart, Jr. Co-Chairman	211 West Third Avenue Gastonia, N. C. 28052	(704) 864-4578
Sen. John T. Henley Co-Chairman	200 South Main Street Hope Mills, N. C. 28348	(919) 424-0261
Sen. Dallas L. Alford, Jr.	121 Tarboro Street Suite 122, Alford Bldg. Rocky Mount, N. C. 27801	(919) 442-4696
Rep. Chris S. Barker, Jr.	Post Office Box 988 New Bern, N. C. 28560	(919) 633-1333
Rep. A. Hartwell Campbell	1709 Wilshire Blvd. Wilson, N. C. 27893	(919) 237-4959
Rep. John R. Gamble, Jr.	Post Office Box 250 Lincolnton, N. C. 28092	(704) 735-3023
Rep. H. Parks Helms	911 Cameron-Brown Bldg. Charlotte, N. C. 28204	(704) 375-3781
Sen. Cecil J. Hill	The Legal Building Brevard, N. C. 28712	(704) 884-4113
Sen. Robert B. Jordan, III	Post Office Box 98 Mount Gilead, N. C. 27306	(919) 439-6121
Rep. Lura S. Tally	3100 Tallywood Drive Fayetteville, N. C. 28303	(919) 484-4868
Sen. Russell Walker	823 West Salisbury Street Asheboro, N. C. 27203	(919) 625-6138
Sen. Vernon E. White	Post Office Box 41 Winterville, N. C. 28590	(919) 756-2920

COMMITTEE ON
RETIREMENT COVERAGE FOR STATE TEMPORARY EMPLOYEES
MEMBERSHIP LIST

House Appointments:

Rep. Edd Nye, Co-Chairman
Courthouse Drive
Elizabethtown, North Carolina 28337
(919) 862-3679

Ms. Teresa Anne Thomas
160 Glendale Avenue, S. E.
Concord, North Carolina 28025
(704) 786-5652

Rep. Liston B. Ramsey
Walnut Creek Road
Marshall, North Carolina 28753
(704) 649-3961

Mrs. Angela Elkins
3723 Kenmore Drive
Durham, North Carolina 27705
(919) 477-3455

Senate Appointments:

Sen. Harold W. Hardison, Co-Chairman
Post Office Box 128
Deep Run, North Carolina 28525
(919) 568-3131

Mr. Arch Laney
North Carolina State Government
Employees Association
3535 South Wilmington Street
Raleigh, North Carolina 27603
(919) 772-1113

* Rep. Hector E. Ray
408 B Street
Fayetteville, North Carolina 28301
(919) 484-5798

Mr. Lynn Holoday
Comptroller's Office
Appalachian State University
Boone, North Carolina 28608
(704) 262-2110

Honorable C. Graham Tart
707 Cutchin Street
Clinton, North Carolina 28328
(919) 592-4886

Senator Robert B. Jordan, III
Legislative Research Commission Member
P. O. Box 98
Mount Gilead, North Carolina 27306
(919) 439-6121

* No longer a member of the General Assembly

GENERAL ASSEMBLY OF NORTH CAROLINA

1977 SESSION (2nd SESSION, 1978)

RATIFIED BILL

CHAPTER 1294

HOUSE BILL 1671

AN ACT TO APPROPRIATE FIVE THOUSAND DOLLARS FROM THE GENERAL FUND
TO THE LEGISLATIVE RESEARCH COMMISSION TO STUDY RETIREMENT
COVERAGE FOR STATE EMPLOYEES CLASSIFIED AS TEMPORARY EMPLOYEES.

The General Assembly of North Carolina enacts:

Section 1. There is appropriated from the General Fund
the sum of five thousand dollars (\$5,000) for the 1978-79 fiscal
year to the Legislative Research Commission to study the need for
retirement coverage for State temporary employees. This study
shall include those employees now classified as permanent
employees who were previously classified as temporary employees.
The Legislative Research Commission shall report to the 1979
Session of the General Assembly.

Sec. 2. This act shall become effective July 1, 1978.

In the General Assembly read three times and ratified,
this the 16th day of June, 1978.

JAMES C. GREEN, SR.

James C. Green

President of the Senate

CARL J. STEWART, JR.

Carl J. Stewart, Jr.

Speaker of the House of Representatives

APPENDIX B

WITNESSES APPEARING

Mr. Mitch Leonard
North Carolina State Government
Employees Association

Mr. T. P. Brendle
Fiscal Research Division

Mr. Emmett Burden, Director
North Carolina State Employees Association

Mr. Harold Webb, Director
Office of State Personnel

Mr. G. C. Davis, Jr.
Office of State Personnel

Ms. Maria Spaulding, Personnel Director
Department of Natural Resources and
Community Development

Mr. Alton Prevatte
Disbursing Office, Department of
Administration

Ms. Merry Chambers
Division of Policy Development
Department of Administration

Mr. Dennis Ducker, Assistant Director
Department of Retirements and Health
Benefits

Mr. Edwin Barnes, Director
Department of Retirements and Health
Benefits

Mr. Pinckney Deyton
Raleigh, North Carolina

Mr. John Allen
Legislative Services Officer

APPENDIX C

REMARKS FOR LEGISLATIVE RESEARCH COMMITTEE

Temporary Positions

A. Employee Appointment Policy

Temporary Appointment

An appointment for a limited term, normally not to exceed three to six months, to a permanent or temporary position. When sufficiently justified, a longer period of time may be requested; but in no case shall the temporary employment period exceed twelve consecutive months.

Temporary Part-Time Appointment

An appointment of less than full-time for a limited term normally not to exceed three to six months. When sufficiently justified, a longer period of time may be requested; but in no case shall the temporary employment period exceed twelve consecutive months.

B. Varying Nature of Temporary Positions

Depending upon the agency program being augmented, temporary positions may take several forms.

Types of Temporary PositionsExamples

Seasonal, recurring

Motor Vehicle license rush
Revenue tax rush
Highways construction season
Forestry - fire seasons
State Parks, summer

Multi-seasonal, recurring

Agriculture - crop harvests
Wildlife - hunting seasons

Casual labor, intermittent

ESC, Universities, institutions

Non-recurring

Special Projects (variable)

Part-time, with any of the above conditions

C. Benefits for Temporary Employees

Temporary employees receive no leave, holidays, hospitalization, or other benefits afforded permanent employees. Their only payroll deduction is for Social Security. Temporary employment is not creditable toward longevity pay if the employee later becomes permanent.

Prepared by:

Office of State Personnel
Harold H. Webb
Director
November 10, 1978



APPENDIX D

STATE OF NORTH CAROLINA
LEGISLATIVE RESEARCH COMMISSION
STATE LEGISLATIVE BUILDING
RALEIGH 27611



November 14, 1978

MEMORANDUM

TO: Department/Division Personnel Officers
FROM: Winston L. Page, Jr. *WLP*
Staff Attorney
RE: Temporary or Part-time Personnel

The 1978 General Assembly directed the Legislative Research Commission to study the need for retirement benefits for temporary or part-time State employees (H. B. 1671 enclosed). The Study Committee Cochairmen, Representative Edd Nye and Senator Harold Hardison, have requested information concerning temporary or part-time employees from your departments. Please return the enclosed questionnaire to me by November 28, 1978.

The following definitions provided by the Office of State Personnel apply:

Temporary Appointment:

An appointment for a limited term, normally not to exceed three to six months, to a permanent or temporary position. When sufficiently justified, a longer period of time may be requested; but in no case shall the temporary employment period exceed twelve consecutive months.

Temporary Part-Time Appointment:

An appointment of less than full-time for a limited term normally not to exceed three to six months. When sufficiently justified, a longer period of time may be requested; but in no case shall the temporary employment period exceed twelve consecutive months.

Do not include CETA employees, student employees, or other employees paid from non-state sources.

If you have questions, please contact me at 733-6182.

STATE OF NORTH CAROLINA
LEGISLATIVE RESEARCH COMMISSION
STATE LEGISLATIVE BUILDING
RALEIGH 27611



Questionnaire

Department

1. Number of permanent employees
as of June 30, 1978
2. Number of temporary employees
as of June 30, 1978
3. Number of permanent part-time
employees as of June 30, 1978
4. Number of temporary part-time
employees as of June 30, 1978
5. Number of temporary or part-time
employees employed in excess of
20 hours per week for appointments
lasting in excess of six months
during the fiscal year ended
June 30, 1978
6. Number of temporary or part-time
employees who had on June 30, 1978
3 years or more in the aggregate
of temporary service
7. Number of temporary or part-time
employees who have three years or
more in the aggregate of temporary
service not employed on June 30, 1978
but whose past service amounts to
three years
8. Number of temporary or part-time
employees who have five years or
more in the aggregate of temporary
service on June 30, 1978

APPENDIX E

APPENDIX E

LEGISLATIVE PROPOSAL I

A BILL TO BE ENTITLED

AN ACT TO AMEND CHAPTER 135 OF THE GENERAL STATUTES RELATING TO RETIREMENT AND MEDICAL AND CONTRIBUTION PLANS FOR EMPLOYEES OF THE GENERAL ASSEMBLY.

The General Assembly of North Carolina enacts:

Section 1. G.S. 135-1(10) is amended by deleting, in Line 6, the words "or officer," and by inserting in Line 4, following the word "employed," "including all employees of the General Assembly except participants in the Legislative Intern Program and pages."

Sec. 2. G.S. 135-3 is amended by adding a new sentence at the end to read as follows:

"On or after July 1, 1979, upon election, appointment or employment, a Legislative Employee shall automatically become a member of the Teachers' and State Employees' Retirement System."

Sec. 3. G.S. 135-4(e) is amended by adding a new paragraph at the end of the subsection to read as follows:

"On or after July 1, 1979, a member who has obtained sixty (60) months of aggregate service as an employee of the North Carolina General Assembly, except Legislators, participants in the Legislative Intern Program and pages, may make a lump sum payment together with interest, and an administrative fee, to the Teachers' and State Employees' Retirement System of an amount equal to what he would have contributed had he been a member on his first day of employment."

Sec. 4. The first paragraph of G.S. 135-5(1) is amended by

deleting ";" from the end of the subparagraph numbered (3) substituting ",or", and adding a new subparagraph to read as follows:

"(4) The compensations on which contributions were made by the member during the highest 12-month period of the prior 24-month period ending on the last day of the month on which his death occurs."

Sec. 5. The first sentence of G.S. 135-33 is rewritten to read as follows:

"The Board of Trustees of the Retirement System shall formulate, establish and administer for teachers and State employees, including all employees of the General Assembly except participants in the Legislative Intern Program and pages, a program of hospital and medical care benefits to the extent that funds for such benefits are specifically appropriated by the General Assembly."

Sec. 6. The first sentence of G.S. 135-34 is rewritten to read as follows:

"The Board of Trustees of the Retirement System shall formulate, establish and administer for teachers and State employees with one or more years of service, including all employees of the General Assembly except participants in the Legislative Intern Program and pages, a program of disability salary continuation benefits to the extent that funds for such benefits are specifically appropriated by the General Assembly."

Sec. 7. G.S. 135-36 is amended by adding, on Line 5, after the word "employees" the words "and all employees of the General Assembly except participants in the Legislative Intern Program and pages,".

Sec. 8. This Act is effective on July 1, 1979.

APPENDIX F

APPENDIX F

LEGISLATIVE PROPOSAL II

A BILL TO BE ENTITLED

AN ACT TO DIRECT THE LEGISLATIVE RESEARCH COMMISSION TO CONTINUE TO STUDY THE NEED FOR RETIREMENT COVERAGE FOR TEMPORARY EMPLOYEES.

The General Assembly of North Carolina enacts:

Section 1. The Legislative Research Commission is directed to continue to study the need for retirement coverage for State temporary employees begun by the 1977 General Assembly (Second Session, 1978). The Legislative Research Commission shall report to the 1981 session of the General Assembly.

Sec. 2. This Act is effective upon ratification.

